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BEFORE THE ARIZONE CORPORATION COMMISSION

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GARY PIERCE

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PAUL NEWMAN

BRENDA BURNS

CHAIRMAN

SANDRA D. KENNEDY

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

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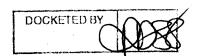
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AZ CORP COMMISSION DOCKET CONTROL

Arizona Corporation Commission DOCKETED

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IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THERON FOR UTILITY SERVICE BY ITS AGUA FRIA WATER DISTRICT, HAVASU WATER DISTRICT, AND MOHAVE WATER DISTRICT.

Docket No. W-01303A-10-0448

RUCO'S RESPONSE TO EPCOR WATER (USA) INC.'S REQUEST TO INTERVENE

The Residential Utility Consumer Office ("RUCO") hereby files this response to EPCOR Water USA Inc.'s ("EPCOR USA") motion to intervene, seeking to participate fully in these proceedings. Although EPCOR USA has made an offer to purchase 100 percent of the stock of Arizona-American Water Company ("Arizona-American"), the transaction has not been completed. There can only be one applicant in this proceeding. At this juncture, Arizona-American is the applicant and EPCOR USA has no actual current interest. If and when the sales transaction is completed, EPCOR USA can substitute for Arizona-American as a real party in interest.

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EPCOR USA should not be allowed to intervene as essentially a second applicant. Until EPCOR completes the purchase of Arizona-American, it has no interest in the rate case which cannot be adequately represented by Arizona-American. To the extent that EPCOR USA's interests are aligned with Arizona-American, EPCOR USA's submission of testimony and cross-examination would be duplicative of the testimony and evidence that has and will be presented by Arizona-American. Therefore, unless EPCOR USA can identify a separate and actual interest, it should not be allowed to participate. If it has an identifiable separate interest, its participation should be limited to that issue.

RUCO also objects to EPCOR USA's late intervention because unlike homeowners who had no prior notice of this rate application, EPCOR USA has had notice of these proceedings and is only now seeking to intervene. At this point, the Applicant has submitted all testimony in support of its application and all existing intervenors have responded thereto. By asking to submit evidence and testimony on issues which have already been fully developed, EPCOR USA appears to want a second bite at the apple to bolster its shared position with Arizona-American. EPCOR USA's request to submit evidence and testimony will unnecessarily prolong the proceedings and will be a financial burden on other parties required to submit additional responses.

Contrary to EPCOR's assertions, its participation would result in elongated, costly and duplicative proceedings, and it would be over burdensome to other parties. Accordingly, RUCO requests that the Administrative Law Judge deny EPCOR USA's request to intervene.

1	RESPECTFULLY SUBMITTED this 3	0 th day of August, 2011.
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3		Muchelle L. Wood
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5	AN ORIGINAL AND THIRTEEN COPIES of the foregoing filed this 30 th day of August, 2011 with:	
6	of August, 2011 with.	
7	Docket Control Arizona Corporation Commission 1200 West Washington	
8	Phoenix, Arizona 85007	
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10	COPIES of the foregoing hand delivered/ mailed this 30 th day of August, 2011 to:	
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